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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,952	04/17/2001	Mehrban Jam	10005248-1	6956
22879 7590 03/26/2009 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
EHICHIOYA, FRED I				
ART UNIT		PAPER NUMBER		
2169				
NOTIFICATION DATE		DELIVERY MODE		
03/26/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: MEHRBAN JAM

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Application No. 09/836,952  
Technology Center 2100

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Mailed: March 26, 2009

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Before DEBORAH L. PERRY *Supervisory Paralegal Specialist, Review Team*  
PERRY, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 03, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

*EXAMINER'S CONSIDERATION OF REPLY BRIEF*

A Reply Brief was filed on January 13, 2009, in response to the Examiner's Answer mailed June 18, 2008.

Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

The Communication mailed January 30, 2009, was an improper acknowledgment to the Reply Brief dated January 13, 2009, as it constitutes a Supplemental Examiner's Answer as per MPEP§ 1208, part II. A Supplemental Examiner's Answers requires a Director or designees approval.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) vacate the Communication mailed January 30, 2009;
- 2) generate and mail either:

a) a revised Communication properly acknowledging to the Reply Brief dated January 30, 2009, in accordance with MPEP§ 1208, part II.;

OR

b) issue a Supplemental Examiner's Answer with the required signature (Technology Center Director or designee), if appropriate;

and

3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/dw

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